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SIXTIETH LEGISLATURE

THIRTIETH LEGISLATIVE DAY
TUESDAY, FEBRUARY 10, 2009

Senate Chamber

President Little called the Senate to order at 11 a.m.

Roll call showed all members present except President Pro Tempore Geddes and Senator Schroeder, absent and formally excused by the Chair; and Senators Coiner, Lodge, McKenzie, and Pearce, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Kylee Holdaway, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 9, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Lodge was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 10, 2009

The JUDICIARY AND RULES Committee reports that [S 1075](#) has been correctly printed.

DARRINGTON, Chairman

[S 1075](#) was referred to the Commerce and Human Resources Committee.

February 9, 2009

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed

below and the Committee recommends that said appointment be confirmed by the Senate:

Pamela J. Huntsman-McCarroll to the Sexual Offender Classification Board, term to expire January 1, 2015.

DARRINGTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 9, 2009

The JUDICIARY AND RULES Committee reports out [S 1050](#) with the recommendation that it do pass.

DARRINGTON, Chairman

[S 1050](#) was filed for second reading.

February 9, 2009

The JUDICIARY AND RULES Committee reports out [S 1051](#) and [S 1056](#) with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, [S 1051](#) and [S 1056](#) were referred to the Fourteenth Order of Business, General Calendar.

February 9, 2009

The HEALTH AND WELFARE Committee reports out [S 1065](#) with the recommendation that it do pass.

LODGE, Chairman

[S 1065](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Coiner and McKenzie were recorded present at this order of business.

February 9, 2009

Dear Mr. President:

I transmit herewith [H 28](#), [HCR 9](#), [H 61](#), [H 34](#), [H 37](#), and [H 9](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 28](#), [HCR 9](#), [H 61](#), [H 34](#), [H 37](#), and [H 9](#) were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1076

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE IDAHO CONRAD J-1 VISA WAIVER PROGRAM AND THE NATIONAL INTEREST WAIVER PROGRAM; AMENDING THE HEADING FOR CHAPTER 61, TITLE 39, IDAHO CODE, TO INCLUDE THE NATIONAL INTEREST WAIVER PROGRAM; AMENDING SECTION 39-6101, IDAHO CODE, TO REVISE THE SHORT TITLE; AMENDING SECTION 39-6102, IDAHO CODE, TO REVISE THE CHAPTER PURPOSE; AMENDING SECTION 39-6104, IDAHO CODE, TO ADD REGULATIONS INCORPORATED BY REFERENCE; AMENDING SECTION 39-6105, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE TERMS AND TO REMOVE A DEFINITION; AMENDING SECTION 39-6106, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE FOR NATIONAL INTEREST WAIVER REQUEST GENERAL REQUIREMENTS, TO PROVIDE FOR CERTAIN LIMITATIONS ON THE NATIONAL INTEREST WAIVER PROGRAM, TO PROVIDE FOR DISCRETIONARY AND VOLUNTARY DEPARTMENT PARTICIPATION IN THE NATIONAL INTEREST WAIVER PROGRAM, TO PROVIDE A STATEMENT ON THE DEVELOPMENT OF PROCEDURES FOR THE ISSUANCE OF NATIONAL INTEREST WAIVER RECOMMENDATIONS AND TO CLARIFY TERMINOLOGY; AMENDING SECTION 39-6107, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE RESTRICTIONS ON THE NATIONAL INTEREST WAIVER PROGRAM, TO PROVIDE AN EXCEPTION TO RESTRICTIONS, TO PROVIDE AN EXCEPTION TO A CERTAIN TIME REQUIREMENT, TO REVISE PROGRAM PURPOSE AND TO CLARIFY TERMINOLOGY; AMENDING SECTION 39-6108, IDAHO CODE, TO PROVIDE CERTAIN NATIONAL INTEREST WAIVER APPLICANT CRITERIA AND TO REVISE APPLICANT CRITERIA; AMENDING SECTION 39-6109, IDAHO CODE, TO CLARIFY TERMINOLOGY; AMENDING CHAPTER 61, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-6109A, IDAHO CODE, TO PROVIDE CONTRACT REQUIREMENTS FOR NATIONAL INTEREST WAIVERS; AMENDING SECTION 39-6110, IDAHO CODE, TO REVISE PROPOSED PRACTICE LOCATION CRITERIA AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-6111, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE FOR CERTAIN APPLICATION AND ELIGIBILITY CRITERIA FOR A J-1 PETITIONING PHYSICIAN, TO PROVIDE WHEN CERTAIN CRITERIA MUST BE MET, TO REVISE A CERTAIN DOCUMENTATION REQUIREMENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 61, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-6111A, IDAHO CODE, TO PROVIDE CRITERIA FOR THE NATIONAL INTEREST WAIVER PETITIONING PHYSICIAN; AMENDING SECTION 39-6112, IDAHO CODE, TO REVISE THE TIMING OF CERTAIN NOTIFICATION, VERIFICATION AND REPORTING REQUIREMENTS, TO PROVIDE CERTAIN REPORTING REQUIREMENTS FOR THE NATIONAL INTEREST WAIVER, TO REVISE TIMING REQUIREMENTS ON EMPLOYMENT CONTRACT AMENDMENTS AND TO CLARIFY TERMINOLOGY; AMENDING SECTION 39-6113, IDAHO CODE, TO PROVIDE FOR AN APPLICATION FEE FOR NATIONAL INTEREST WAIVER REQUESTS;

AMENDING SECTION 39-6114, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE A CERTAIN DOCUMENTATION REQUIREMENT FOR A J-1 VISA WAIVER REQUEST APPLICATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 61, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-6114A, IDAHO CODE, TO PROVIDE REQUIRED APPLICATION FORMS AND DOCUMENTS FOR A NATIONAL INTEREST WAIVER REQUEST; AMENDING SECTION 39-6116, IDAHO CODE, TO REVISE TERMINOLOGY, TO REQUIRE THE DEPARTMENT OF HEALTH AND WELFARE TO ACKNOWLEDGE RECEIPT OF A NATIONAL INTEREST WAIVER APPLICATION WITHIN A CERTAIN TIME, TO CLARIFY TERMINOLOGY, TO PERMIT THE DEPARTMENT TO PROVIDE AN ATTESTATION LETTER TO THE IMMIGRATION AGENCY, TO PROVIDE FOR AN EXPLANATION OF A DEPARTMENT DECISION TO DECLINE A NATIONAL INTEREST WAIVER REQUEST, TO PERMIT THE DEPARTMENT TO DENY A NATIONAL INTEREST WAIVER REQUEST, TO PERMIT THE DEPARTMENT TO WITHDRAW A NATIONAL INTEREST WAIVER RECOMMENDATION FOR SPECIFIED REASONS, TO REVISE THE REASONS THE DEPARTMENT MAY WITHDRAW A WAIVER REQUEST AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 39-6117, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE FOR DENIAL OF FUTURE PARTICIPATION IN THE NATIONAL INTEREST WAIVER PROGRAM FOR SPECIFIED REASONS AND TO REVISE THE TIME FRAME IN WHICH A PROGRAM PARTICIPANT MUST REMAIN IN THE PROGRAM.

S 1077

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION AND INTERSTATE COMPACTS; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 57, TITLE 33, IDAHO CODE, TO PROVIDE THE COMPACT'S PURPOSE, TO PROVIDE APPLICABILITY, TO PROVIDE FOR EDUCATIONAL RECORDS AND ENROLLMENT, TO PROVIDE FOR PLACEMENT AND ATTENDANCE, TO PROVIDE FOR ELIGIBILITY, TO PROVIDE FOR GRADUATION, TO PROVIDE FOR STATE COORDINATION, TO PROVIDE FOR THE INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN, TO PROVIDE THE COMMISSION'S POWERS AND DUTIES, TO PROVIDE FOR ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION, TO PROVIDE THE COMMISSION'S RULEMAKING FUNCTION, TO PROVIDE OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION, TO PROVIDE FOR FINANCING OF THE INTERSTATE COMMISSION, TO PROVIDE THE EFFECTIVE DATE AND AMENDMENT, TO PROVIDE FOR WITHDRAWAL AND DISSOLUTION, TO PROVIDE FOR SEVERABILITY AND CONSTRUCTION AND TO PROVIDE EFFECT OF THE COMPACT AND OTHER LAWS.

S 1078

BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-307, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE CORRECTION OR

ALTERATION OF SCHOOL DISTRICT BOUNDARIES, TO AUTHORIZE THE STATE BOARD OF EDUCATION TO PROMULGATE CERTAIN RULES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-308, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SCHOOL DISTRICTS AND THE EXCISION AND ANNEXATION OF TERRITORY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-311, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL GIVE CERTAIN NOTICE RELATING TO PROPOSED CONSOLIDATION, TO PROVIDE FOR CERTAIN NOTIFICATION BY THE BOARD OF CANVASSERS UPON APPROVAL OF CONSOLIDATION AND CREATION OF A NEW SCHOOL DISTRICT AND TO PROVIDE THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL MAKE CERTAIN ORDERS; AMENDING SECTION 33-312, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DIVISION OF SCHOOL DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-407, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN SCHOOL ELECTIONS AND THE REVISION OF SCHOOL DISTRICT BOUNDARIES.

S 1079
BY EDUCATION COMMITTEE
AN ACT

RELATING TO THE MOTORCYCLE TRAINING PROGRAM; AMENDING SECTION 33-4901, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION; AMENDING SECTION 33-4902, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION AND TO REPLACE THE SUPERINTENDENT OF PUBLIC INSTRUCTION WITH THE ADMINISTRATOR OF THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION; AMENDING SECTION 33-4903, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION; AMENDING SECTION 33-4904, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION; AMENDING SECTION 33-4905, IDAHO CODE, TO REPLACE THE SUPERINTENDENT OF PUBLIC INSTRUCTION WITH THE ADMINISTRATOR OF THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION; AMENDING SECTION 33-4906, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION; AMENDING SECTION 49-304, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION; AMENDING SECTION 49-313, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION; AND AMENDING SECTION 49-314, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION AND TO MAKE A TECHNICAL CORRECTION.

[S 1076](#), [S 1077](#), [S 1078](#), and [S 1079](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 28](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[HCR 9](#), by Education Committee, was introduced, read at length, and referred to the Education Committee.

[H 61](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

[H 34](#) and [H 37](#), by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

[H 9](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1008](#), by Resources and Environment Committee, was read the second time at length and filed for third reading.

[H 6](#) and [H 7](#), by Environment, Energy, and Technology Committee, were read the second time at length and filed for third reading.

[S 1046](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1067](#), [S 1068](#), and [S 1069](#), by Finance Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Pearce was recorded present at this order of business.

[S 1043](#), having been held, having previously been read the third time at length and debate having previously been opened, was before the Senate for final consideration. Senators Davis and Kelly arose as co-sponsors of the bill and reopened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Geddes, Schroeder. Total - 2.

Total - 35.

Whereupon the President declared [S 1043](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1017](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1047](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 33.

NAYS--None.

Absent and excused--Geddes, Schroeder. Total - 2.

Total - 35.

Whereupon the President declared [S 1047](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1048](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 33.

NAYS--None.

Absent and excused--Geddes, Schroeder. Total - 2.

Total - 35.

Whereupon the President declared [S 1048](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Wednesday, February 11, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary